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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,084	07/11/2006	Angel Ibanez Ceba	GAS-87	5845
20311 7590 01/06/2010 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER SMITH, MATTHEW J				
ART UNIT		PAPER NUMBER		
3635				
NOTIFICATION DATE		DELIVERY MODE		
01/06/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@lmiplaw.com

# Office Action Summary

## Application No.

10/597,084

## Applicant(s)

CEBA ET AL.

## Examiner

Matthew J. Smith

## Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the U-shaped member side flange greater in length than the receiving section (amended claim 3) must be shown or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (6739099).

Takeuchi et al. disclose, in Fig. 2, a rigid screwed assembly for metal structures for fastening of secondary sections 7 on an H-shaped receiving section 1a and a U-shaped member 20 fitted between the side flanges 2 and web of the receiving section 1a for the fastening of the secondary sections 7 by means of anchoring screws 3 which pass through both the corresponding assembly parts of the sections 1a, 7 and the corresponding member 20.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patenaude (3685866) in view of Takeuchi et al.

Patenaude discloses a rigid screwed assembly for metal structures for fastening of secondary sections 75 on an H-shaped receiving section 70 comprising: a U-shaped assembly 76 between the receiving section side flanges and web to form a fastening structure for the secondary sections 75 but not by means of anchoring screws which pass through the receiving section, the secondary sections, and the corresponding assembly.

Takeuchi et al. show a connection having anchoring screws 3 which pass through a receiving section 1a, a secondary section 7 and a corresponding assembly 20.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use screws at the Patenaude connection, as shown by Takeuchi et al., in order to secure the connection.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. in view of McCracken (5426906).

Takeuchi et al. disclose the invention substantially as claimed including a tubular configuration, Fig. 12b, but not a prismatic tubular configuration or openings for accessing the interior to facilitate handling the fastening anchor.

McCracken presents prismatic tubular support having openings 20 for accessing the interior to facilitate handling a fastening anchor (col. 3, lines 32-35)

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a prismatic tubular member and provide fastener access openings, as presented by McCracken, in order to connect a beam to a tubular member and easily fasten a beam to a column, respectively.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patenaude in view of Ferreira et al. (5244300).

Patenaude discloses a rigid screwed assembly for metal structures, comprising: an H-shaped receiving section 70 having side flanges and a web; secondary sections 75; U-shaped assembly 76 between the receiving section side flanges and web; the receiving section, the secondary section, and the U-shaped assembly coupled but not secondary sections having a front plate fixed at one end, the secondary sections and the U-shaped assembly coupled by screws

passing through aligned holes in the front plate of the secondary sections, the receiving section and the U-shaped assembly.

Perreira et al. describe, in Fig. 5, receiving section 216; a secondary section 214 having a front plate 234 fixed at one end; an assembly 254; and the receiving section, the secondary sections, and the assembly coupled by screws passing through aligned holes 278 in the front plate of the secondary sections, the receiving section and the assembly.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fabricate the Patenaude secondary section with a front plate and aligned holes for screws, as described by Perreira et al., in order to better secure the connection.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patenaude in view of Perreira et al. as applied to claim 6 above, and further in view of Takeuchi et al.

The combination discloses the invention substantially as claimed including the U-shaped assembly having two side flanges and a web but not the U-shaped assembly having a width corresponding to a gap of side flanges of the receiving section and a thickness that varies according to a degree of rigidity necessary in the U-shaped assemblies to be carried out, or the U-shaped assembly have reinforcements between the side flanges and the web of the U-shaped assembly to increase the stiffness.

Takeuchi et al. show a connection with a U-shaped assembly 20 having a width corresponding to a gap of side flanges of the receiving section and a thickness that varies according to a degree of rigidity necessary in the U-shaped assemblies to be carried out and the U-shaped assembly 20 with reinforcements between the side flanges and the web of the U-shaped assembly to increase the stiffness.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the Patenaude connector 76 extend to the column flanges and add reinforcements, as shown by Takeuchi et al., in order to align the connection easier and strengthen the connection.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patenaude in view of Pereira et al. as applied to claim 6 above, and further in view of Simmons (6802169).

The combination discloses the invention substantially as claimed including the U-shaped assembly having two side flanges and a web but not one or both side flanges of the U-shaped assembly to have a greater length than the side flanges of the receiving section forming connections of secondary sections directly on a projecting part of the side flanges with the greater length of the U-shaped assembly in applied mounting

Simmons depicts a connector with one or both side flanges 114a of a U-shaped assembly to have a greater length than the receiving section 110 side flanges forming connections of a secondary section 112 directly on a projecting part of the side flanges with the greater length of the U-shaped assembly in applied mounting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the Patenaude connection with the side flanges longer the receiving section, as depicted by Simmons, in order to more easily attach the secondary section.

### ***Response to Arguments***

Applicant's arguments filed 21 October 2009 have been fully considered but they are not persuasive. The examiner contends applicants' arguments are narrower than the claims. For

example, the claims do not recite the U-shaped assembly as one piece or the web directly contacting the receiving section, only that the assembly be U-shaped and between the flanges. The concept of rigid is considered inexact. Takeuchi et al. disclose structural steel members which connote a degree of rigidity to ensure structural integrity. The examiner considers this level of rigidity to meet the claimed limitations. Simmons is used to depict the concept of flanges longer than the receiving section (not illustrated in applicants' drawings), not the connection disclosed by the other references.

### ***Conclusion***

Applicant's amendment necessitated the new rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/M. J. S./  
Examiner, Art Unit 3635  
23 December 2009